



STATUTORY INSTRUMENTS.

**S.I. No. 585 of 2011**



DISTRICT COURT (CRIMINAL PROCEDURE ACT 2010) RULES 2011

**(Prn. A11/2055)**

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The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 4th day of April 2011.

Miriam Malone, Chairperson

Mary C Devins

Thomas E O'Donnell

Brian Sheridan

David Riordan

Roy Pearson

Noel A Doherty

I concur in the making of the following rules of court.

Dated this 12th day of November 2011.

ALAN SHATTER,

Minister for Justice and Equality Alan Shatter.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 18th November, 2011.*

## S.I. No. 585 of 2011

## DISTRICT COURT (CRIMINAL PROCEDURE ACT 2010) RULES 2011

1. (1) These Rules, which may be cited as the District Court (Criminal Procedure Act 2010) Rules 2011, shall come into operation on the 10th day of December 2011.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2011.

2. The District Court Rules 1997 are amended:

(i) by the substitution for paragraph (a) of sub-rule (5) of rule 2 of Order 19 of the following paragraph:

“(5) (a) If the Court is satisfied that a person who has been remanded in custody is unable to be brought before the Court at the expiration of the period of remand—

(i) by reason of illness or accident, or

(ii) for any other good and sufficient reason,

the Court may, in the person’s absence, remand that person for such further period, which may exceed fifteen days, as the Court considers reasonable. The warrant of committal shall be in accordance with Form 19.2, Schedule B.”;

(ii) by the substitution for sub-rule (1) of rule 7 of Order 24 of the following sub-rule:

“(1) The documents specified in section 4B(1) of the Act shall be in accordance with Forms 24.3 to 24.7, Schedule B and shall be served personally upon the accused or upon his solicitor, if any, at the earliest opportunity, but shall not, subject to any extension granted by the Court in accordance with section 4B(3) of the Act, be served later than 42 days from the date on which—

(i) the accused, on being informed in accordance with rule 1 by the Court of his or her right to be tried by a jury, objects to being tried summarily or the Director of Public Prosecutions informs the Court that he or she does not consent to the accused being tried summarily for the offence concerned or,

(ii) in the case of an offence in respect of which the Director of Public Prosecutions may elect to prosecute either summarily or on indictment, the Director of Public Prosecutions elects to try the offence on indictment, or

(iii) the Court determines that the facts alleged do not constitute a minor offence and are not fit to be tried summarily.”;

(iii) by the substitution for the title to Order 31 of the following title:

“Order 31

PROCEEDINGS UNDER

— CRIMINAL JUSTICE ACT 1984

— CRIMINAL JUSTICE (FORENSIC EVIDENCE) ACT  
1990

— CRIMINAL JUSTICE ACT 2006, SECTION 5

— CRIMINAL PROCEDURE ACT 2010, SECTIONS 16  
AND 17”;

(iv) by the insertion in rule 1 of Order 31, immediately following the definition of “the Act of 2006”, of the following definition:

“ ‘the Act of 2010’ means the Criminal Procedure Act 2010 (No. 27 of 2010)”;

(v) by the substitution for rules 4 and 5 of Order 31 of the following rules:

“Application for order to arrest

4. (1) An application under section 10 of the Act of 1984 for an Order to arrest shall be made by the information on oath and in writing, in the Form 31.3, Schedule B, of a member of the Garda Síochána not below the rank of superintendent.

(2) An application under section 16 or, as the case may be, section 17, of the Act of 2010 for an Order authorising arrest shall be made by the information on oath and in writing, in the Form 31.10, Schedule B, of a member of the Garda Síochána not below the rank of superintendent, and every such application shall be made and heard in accordance with Order 12, rule 27.

Order to arrest

5. (1) The warrant of the Court where an application under section 10 of the Act of 1984 is granted shall be in the Form 31.4, Schedule B.

(2) The order of the Court granting an application under section 16 or, as the case may be, section 17, of the Act of 2010 shall be in the Form 31.11, Schedule B.”;

(vi) by the insertion immediately following rule 23 of Order 34 of the following heading and rule:

“Under the Criminal Procedure Act 2010

24. An application pursuant to section 18(2) of the Criminal Procedure Act 2010 by a member of the Garda Síochána not below the rank of superintendent for the issue of a warrant may be made to the Judge of the District Court assigned to the District Court District wherein the place in respect of which the warrant is sought is situated. Such application shall be by information on oath and in writing of such member in the Form 34.56, Schedule B, and shall be made and heard in accordance with Order 12, rule 27. A warrant issued on foot of such information shall be in the Form 34.57, Schedule B.”.

3. (1) The Form numbered 19.2 in the Schedule shall be substituted for the form bearing the like number in Schedule B to the District Court Rules 1997.

(2) The Forms numbered 31.10 and 31.11 in the Schedule shall be added to the Forms in Schedule B to the District Court Rules 1997, immediately following Form 31.9.

(3) The Forms numbered 34.56 and 34.57 in the Schedule shall be added to the Forms in Schedule B to the District Court Rules 1997, immediately following Form 34.55.

SCHEDULE

No. 19.2

Criminal Procedure Act 1967  
Criminal Justice (Miscellaneous Provisions) Act 1997  
Criminal Procedure Act 2010

Committal Warrant (Remand in the absence of Accused)

District Court Area of

District No.

PROSECUTOR: The D.P.P. at the suit of .....

ACCUSED: ..... D.O.B. ....

WHEREAS the above-named accused is currently in custody at .....  
.....

AND WHEREAS the above-named accused, who has been remanded in custody, was on this day due to appear before the Court on remand charged that  
.....

AND WHEREAS the Court is satisfied that the accused is:

\*by reason of illness or accident \*for good and sufficient reason [namely, .....] unable to be brought before the Court on this date.

AND WHEREAS the Court, in the absence of the accused, and pursuant to section 24(5) of the Criminal Procedure Act 1967 has further remanded the accused and adjourned the hearing to the sitting of the District Court at ..... on the ..... day of ..... 20... at ..... am/pm (which the Court considers a reasonable period in the circumstances).

THIS IS TO COMMAND YOU to whom this warrant is addressed to keep the accused in the \*(prison) \*(remand institution he being a person who is not less than sixteen nor more than twenty-one years of age) at ..... there to be detained by the Governor/the person in charge thereof until the above time of adjournment

When he shall have him/her at the said sitting to be further dealt with according to law.

Dated this ..... day of ..... 20.....

Signed .....  
Judge of the District Court

To the \*Superintendent of the Garda Síochána/\*Governor/\*person in charge at .....

†CONSENT AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance:

\*himself/herself in the sum of €..... \*(of which €..... cash to be lodged) \*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

\*and to sign on daily/weekly at..... Garda station between ..... a.m. and ..... p.m. and [list any further conditions imposed by the Court]\*And further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted.

Dated this ..... day of ..... 20.....

Signed .....  
Judge of the District Court

\*Delete where inapplicable

†Delete where inapplicable

CRIMINAL PROCEDURE ACT 2010, \*SECTION 16 †SECTION 17

INFORMATION

District Court Area of

District No.

THE INFORMATION of ..... of  
..... who says on oath—

I am a member of the Garda Síochána not below the rank of superintendent. I make this information pursuant to \*section 16 †section 17 of the above-mentioned Act.

I say that a person namely,.....of .....\*(in the court area and district aforesaid) was tried on indictment in respect of a relevant offence specified in the Schedule to the above-mentioned Act, namely the offence of..... \*committed at..... \*(in the court area and district aforesaid), and was on the.....day of.....20..... acquitted of that offence \*at the trial \*on appeal against conviction \*on appeal from a decision on appeal.

†The said person is currently detained in the \*prison \*children detention school at .....

\*(From my own knowledge) \*(From information which I have received and which I believe to be true), I say that:

I have information regarding the relevant offence in respect of which the said person was so acquitted which has come to the knowledge of the Garda Síochána only since the said person's acquittal, and the said information is likely to reveal or confirm the existence of new and compelling evidence in relation to the said person's suspected participation in the said relevant offence in respect of which the said person was acquitted

The said information and my reasons for saying that the said information is likely to reveal or confirm the existence of new and compelling evidence in relation to the said person's suspected participation in the said relevant offence in respect of which the said person was acquitted are as follows: .....

And I hereby apply pursuant to \*section 16 †section 17 of the above-mentioned Act for an order authorising the arrest of the said person for the said relevant offence in respect of which the said person was acquitted.

Signed.....  
Informant



SWORN before me this ..... day of ..... 20.....

at.....

Signed.....

Judge of the District Court

\*Delete where inapplicable

†Delete where section 17 does not apply

CRIMINAL PROCEDURE ACT 2010, \*SECTION 16 †SECTION 17

ORDER AUTHORISING ARREST

WHEREAS from the information on oath and in writing sworn before me on this day pursuant to \*section 16 †section 17 of the above-mentioned Act by..... of..... a member of the Garda Síochána not below the rank of superintendent, it appears

THAT.....of .....\*(in the court area and district aforesaid) was tried on indictment in respect of a relevant offence specified in the Schedule to the above-mentioned Act, namely the offence of ..... \*committed at ..... \*(in the court area and district aforesaid), and was on the ..... day of ..... 20..... acquitted of that offence \*at the trial \*on appeal against conviction \*on appeal from a decision on appeal

†THAT the said person is currently detained in the \*prison \*children detention school at .....

AND WHEREAS FROM SAID INFORMATION I AM SATISFIED THAT:

The said member has information regarding the relevant offence in respect of which the said person was so acquitted which has come to the knowledge of the Garda Síochána only since the said person’s acquittal,

and the said information is likely to reveal or confirm the existence of new and compelling evidence in relation to the said person’s suspected participation in the said relevant offence in respect of which the said person was acquitted

THIS ORDER AUTHORISES the arrest by [the said member/the Garda Síochána] of the said person, ..... of....., in accordance with the provisions of \*section 16 †section 17 of the Criminal Procedure Act 2010 in respect of, and only of, the relevant offence for which the said person was acquitted[, namely the offence of .....]

Dated this ..... day of ..... 20.....

Signed.....

Judge of the District Court

To: Superintendent ....., the said informant  
Garda Síochána at .....

\*Delete where inapplicable

†Delete where section 17 does not apply

Criminal Procedure Act 2010, section 18(2)

District Court Area of

District No.

INFORMATION

THE INFORMATION OF ..... of ..... who says on oath:—

I am a member of the Garda Síochána not below the rank of superintendent. I say that:

A person, namely, ..... of ..... \*(in the court area and district aforesaid) was tried on indictment in respect of a relevant offence specified in the Schedule to the above-mentioned Act, namely the offence of ..... , and was on the ..... day of ..... 20..... acquitted of that offence \*at the trial \*on appeal against conviction \*on appeal from a decision on appeal,

I have information regarding the said relevant offence in respect of which the said person was acquitted which has come to the knowledge of the Garda Síochána since the said person's acquittal,

There are reasonable grounds for suspecting that evidence of, or relating to, the matters referred to in the preceding paragraph is to be found in a place, namely, ..... \*(in said court area and district aforesaid) owned or occupied or partly owned or occupied by the said person concerned,

That the said information is likely to reveal or confirm the existence of new and compelling evidence in relation to the said person's suspected participation in the relevant offence in respect of which the said person was acquitted,

The said information and my reasons for saying that the said information is likely to reveal or confirm the existence of new and compelling evidence in relation to the said person's suspected participation in the said relevant offence in respect of which the said person was acquitted are as follows: .....

.....

My grounds for suspecting that evidence as aforesaid is to be found in the said place are as follows: .....

.....

and I hereby apply for the issue of a warrant under section 18(2) of the said Act for the search of that said place and any persons found at that place.

Signed .....

Informant

SWORN before me this ..... day of ..... 20.....

Signed.....

Judge of the District Court

Criminal Procedure Act 2010, section 18(2)

SEARCH WARRANT

District Court Area of

District No.

WHEREAS from the information on oath and in writing under section 18(2) of the above-mentioned Act of 2010 sworn before me on this day, by.....of....., a member of the Garda Síochána not below the rank of superintendent,

IT APPEARS THAT:

A person, namely,.....of .....\*(in the court area and district aforesaid) was tried on indictment in respect of a relevant offence specified in the Schedule to the above-mentioned Act, namely the offence of....., and was on the.....day of.....20.....acquitted of that offence \*at the trial \*on appeal against conviction \*on appeal from a decision on appeal,

I AM SATISFIED THAT:

The said member has information regarding the said relevant offence in respect of which the said person was acquitted which has come to the knowledge of the Garda Síochána since the said person’s acquittal,

There are reasonable grounds for suspecting that evidence of, or relating to, the matters referred to in the preceding paragraph is to be found in a place, namely, .....\*(in the court area and district aforesaid) owned or occupied or partly owned or occupied by the said person concerned,

That the said information is likely to reveal or confirm the existence of new and compelling evidence in relation to the said person’s suspected participation in the relevant offence in respect of which the said person was acquitted,

THIS IS TO AUTHORISE ....., of....., a member of the Garda Síochána, accompanied by such other members or persons or both as the said member thinks necessary—

(a) TO ENTER, at any time or times within one week of the date of issue of this warrant, on production if so requested of this warrant, and if necessary by the use of reasonable force, the said place, namely, .....\*(in the court area and district aforesaid),

(b) TO SEARCH the said place and any persons found at that place, and

(c) TO SEIZE anything found at that place, or anything found in the possession of a person present at that place at the time of the search, that the member

reasonably believes to be evidence of, or relating to, the commission of the said relevant offence in respect of which the said person was acquitted.

Dated this..... day of ..... 20....

Signed .....

Judge of the District Court

To: Superintendent ....., the said informant  
Garda Síochána at .....

\*Delete where inapplicable

EXPLANATORY NOTE

*(This does not form part of the instrument and does not purport to be a legal interpretation.)*

These Rules amend Orders 19, 24, 31 and 34 to prescribe forms and procedure in respect of changes arising from the entry into force of certain provisions of the Criminal Procedure Act 2010.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

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